

FACT SHEET

Information for Parents and Students Exemptions from Compulsory Participation

What is an exemption and why do I need it?

Every parent of a child of compulsory school age or a young person in the compulsory participation phase has a legal obligation to ensure their child is enrolled and attending school or participating in an eligible option.

Parents can apply for an exemption from this obligation when their child cannot attend or it would be unreasonable in all the circumstances for their child to attend school or participate in an eligible option for a period of more than 10 consecutive school days.

Situations where an application for an exemption may be made include:

- Illness
- Family reasons
- Cultural or religious reasons

If your child is exempted from compulsory schooling, they are excused from being enrolled and attending an educational program for the period of the exemption, and you are excused from your obligation in relation to compulsory schooling or compulsory participation.

The school principal is not responsible for providing an educational program to your child, however they may provide advice on other educational options available.

Who decides to grant or not grant an exemption?

• For state school students:

Decisions about exemptions for up to one school year are made by the principal of the school the student attends.

Decisions about exemptions for more than one school year are made by the relevant Regional Director of the Department of Education and Training, responsible for the supervision of the school your child attends.

• For non-state school students:

All exemption decisions for non-state school students are made by the Manager, Office of Non-state Education.

• For children who are not enrolled in any state or non-state Queensland school:

Decisions about exemptions for students who are not enrolled in any state or non-state school are made by either the Regional Director, Principal Advisor Education Services, Principal Advisor Regional Services, Director Regional Services, of the Department of Education and Training region in which the child resides.

Applying for an exemption

You are encouraged to discuss with the school whether an application for exemption is a suitable option. The school can provide you with an application form for an exemption. It is important that supporting documentation and evidence are attached to the application.

When a decision about the exemption has been made, you will be informed in writing whether or not the exemption has been granted and if any conditions have been imposed. If you are not satisfied with the decision made, you can make a submission for the decision to be reviewed.

FACT SHEET

Internal reviews against decisions regarding exemptions from compulsory participation phase

What is the purpose of a submission for an internal review?

A submission for an internal review allows parents to ask the Department of Education and Training to review an original decision, because they think that the decision is in some way incorrect or mistaken or otherwise disagreeable.

In making a submission for an internal review parents should provide information that can assist the Department of Education and Training to review the original decision, and to understand their point of view.

Who can request an internal review of a decision?

Parents (and students in respect of applications made by students in the compulsory participation phase) can seek a review of an initial decision regarding an exemption.

An exemption decision determined by a Principal is internally reviewed by their supervising Regional Director.

An exemption decision determined by a Regional Director is internally reviewed by a Regional Director from another region, nominated by the Director-General.

An exemption decision determined by the Manager, Office of Non-State Education is internally reviewed by the Assistant Director-General, Tertiary and Non-State Education.

The Director-General has the authority to review all exemption decisions.

Parents are able to have other people help them prepare a submission for review and/or lodge on their behalf, including legal representatives, advocates, friends or relatives.

If parents/students need assistance, or would like further details about the basis for a decision as outlined in their letter of notification, they can contact the person nominated in the letter or the local Department of Education and Training regional office.

What should be included in a submission for an internal review?

Without limiting what may be submitted, a submission should state the **reasons** for questioning the original decision and give **facts** that support the case.

In the submission any matters relevant to the exemption may be raised, including objections to the reasons originally given by the decision maker and any new information supporting the request.

Copies of any supporting information considered relevant should be included.

What factors does the decision maker have to take into account?

In order to grant an exemption, the decision maker needs to be reasonably satisfied that:

For compulsory schooling:

- (a) the child cannot attend a state school or non-state school; or
- (b) it would be unreasonable in all the circumstances to require the child to attend a state school or non-state school.

For the compulsory participation phase:

- (a) the young person cannot participate in any eligible option; or
- (b) it would be unreasonable in all the circumstances to require the young person to participate in any eligible option.

For a partial exemption from the compulsory participation phase:

- (a) the young person cannot participate in any eligible option at a full-time level; or
- (b) it would be unreasonable in all the circumstances to require the young person to participate in any eligible option at a full-time level.

FACT SHEET

What is the timeframe for a submission for an internal review?

A submission for an internal review should be lodged with the reviewer within 30 school days of being given the notice of the decision regarding the exemption, or otherwise of becoming aware of that decision.

How do submission for review processes work?

Internal reviews of decisions are generally managed by the local regional office.

For non-state schools, internal reviews are managed by the Office of the Assistant Director-General, Tertiary and Non-State Education.

After the submission has been sent, a departmental officer will contact the parent to discuss the issues raised.

Written notice of the decision will be sent as soon as practicable after the review decision has been made.

If parents are not satisfied with the internal review, they may make an application to the Queensland Civil and Administrative Tribunal for an external review of the decision. Details of this process can be found at www.qcat.qld.gov.au

Where should a submission for an internal review be sent?

All submissions should be sent to the Office of the Regional Director. The contact details for regional offices are located on Education Queensland's Telephone Directory (<http://education.qld.gov.au/search/phone/>)

If the original decision was made by the Manager, Office of Non-State Education, a submission should be sent to the Office of Assistant Director-General, Tertiary and Non-State Education, PO Box 15033, City East Q 4002 or Fax (07) 3235 4472.

Education (General Provisions) Act 2006 - Chapter 10 Compulsory participation in education or training Part 5 Exemptions from compliance with compulsory participation requirements

Division 1 Bases for granting an exemption

243 Explanation

This division states the bases on which the chief executive may grant an exemption from the requirement that a young person participate in an eligible option.

244 Participation is impossible or should not be required

(1) The chief executive may grant an exemption fully excusing a young person from participation if the chief executive is satisfied—

- (a) the young person can not participate in any eligible option; or
- (b) it would be unreasonable in all the circumstances to require the young person to participate in any eligible option.

(2) The chief executive may grant an exemption partially excusing a young person from participation if the chief executive is satisfied—

- (a) the young person can not participate in any eligible option at a full-time level; or
- (b) it would be unreasonable in all the circumstances to require the young person to participate in any eligible option at a full-time level.

Division 2 Application process

245 Application for exemption

(1) A young person, or a parent of a young person, may apply to the chief executive for an exemption from the requirement that the young person participate in an eligible option.

(2) The application must—

- (a) be in the approved form; and
- (b) state the period for which the exemption is sought; and
- (c) for an application by a young person—include the signed consent of a parent of the young person.

(3) However, subsection (2)(c) does not apply if the chief executive is satisfied it would be inappropriate in all the circumstances to require the signed consent of a parent. *Example*—an application by a young person living independently of his or her parents

FACT SHEET

(4) The applicant must provide any other relevant information reasonably required by the chief executive to decide the application. *Example*—If exemption is sought because the young person is suffering an illness, the information required under this subsection may include stated medical evidence.

(5) The chief executive must decide the application as soon as practicable.

246 Lapsing of application

(1) The chief executive may make a requirement under section 245(4) by giving the applicant a notice stating—

(a) the required information; and

(b) the time by which the information must be given to the chief executive; and

(c) that, if the information is not given to the chief executive by the stated time, the application will lapse.

(2) The time stated must be reasonable and, in any case, at least 14 days after the requirement is made.

(3) The chief executive may withdraw the requirement, or part of the requirement, at any time.

(4) Before the stated time ends, the chief executive may give the applicant a further notice extending the stated time if the chief executive is satisfied it would be reasonable in all the circumstances to give the extension.

(5) If the applicant does not comply with the requirement within the stated time, or any extension, the application lapses.

247 Temporary exemption until application is decided

(1) If the application is made before the young person starts the person's compulsory participation phase, section 239(1) does not apply to a parent of the young person until—

(a) 14 days after the chief executive gives notice to the applicant under section 248; or

(b) the application lapses.

(2) If the application is made while an existing exemption under this part is in force for the young person, the existing exemption continues to apply until 14 days after the chief executive gives notice to the applicant under section 248, or until the application lapses.

248 Decision

(1) The chief executive must consider the application and either grant, or refuse to grant, the application.

(2) If the chief executive decides to grant the application, the chief executive must as soon as practicable issue the exemption to the applicant.

(3) If the chief executive decides to refuse to grant the application, the chief executive must as soon as practicable give the applicant an information notice about the decision.

249 Contents of exemption

(1) This section applies if the chief executive decides to grant the exemption.

(2) The exemption must state—

(a) the day it is granted; and

(b) the young person to whom it relates; and

(c) whether it is full or partial and, if it is partial, the extent to which the person is excused from participation; and

(d) whether it applies until the end of the person's compulsory participation phase or only until a stated earlier time; and

(e) any conditions on which it is issued.

250 Imposition of conditions

(1) The chief executive may, in granting the application, decide to impose conditions on the exemption that are relevant and reasonable.

(2) If the chief executive decides to issue an exemption on conditions, the chief executive must as soon as practicable give the applicant an information notice about the decision.

251 Lesser period of exemption than that applied for

(1) The chief executive may, in granting the application, decide to issue the exemption for a lesser period than that applied for by the applicant for the exemption.

(2) If the chief executive decides to issue an exemption for a lesser period than that applied for by the applicant for the exemption, the chief executive must as soon as practicable give the applicant an information notice about the decision.